

AMENDED IN ASSEMBLY MARCH 20, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 106

**Introduced by Assembly ~~Member Corbett~~ Members Corbett and
Dutton**

(Principal coauthor: Assembly Member Calderon)

(Principal coauthor: Senator Battin)

**(Coauthors: Assembly Members Bates, Chavez, Cogdill, Garcia,
Harman, Koretz, Levine, Lieber, Liu, Longville, Lowenthal, Maze,
Nation, Plescia, Runner, Salinas, Spitzer, Wolk, Wyland, and Yee)**

(Coauthors: Senators Bowen, Kuehl, and Vasconcellos)

January 10, 2003

An act to amend Section 22171 of the Education Code, relating to
state teachers' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 106, as amended, Corbett. Teachers' Retirement System:
surviving spouse.

Existing law defines a spouse, for purposes of qualification for
specified survivors' benefits under the Defined Benefit Program of the
State Teachers' Retirement Plan, as a person who was married to the
member of the program for a continuous period beginning at least 12
months prior to the death of the member, unless specified conditions
exist.

This bill would additionally define a spouse, for these purposes, as
a person who was continuously married to the member for the period
beginning prior to the injury or onset of the illness that resulted in the
member's death. *The bill would also define a spouse as a person who*

was married to the member for less than 12 months, if the member's death was accidental, as defined, or for the period beginning prior to the occurrence of the injury or diagnosis of the illness that resulted in death.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22171 of the Education Code is
2 amended to read:

3 22171. (a) "Spouse" means a person who was continuously
4 married to the member for the period beginning at least 12 months
5 prior to the death of the member, unless a child is born to the
6 member and his or her spouse within the 12-month period or unless
7 the spouse is carrying the member's unborn child, ~~or for the period~~
8 ~~beginning prior to the occurrence of the injury or onset of the~~
9 ~~illness that resulted in death.~~

10 (b) "Spouse" also means a person who was married to the
11 member for less than 12 months, if the member's death was
12 accidental, or for the period beginning prior to the occurrence of
13 the injury or diagnosis of the illness that resulted in death.

14 (1) A member's death is defined as accidental only if he or she
15 received bodily injuries through violent, external, or accidental
16 means and died as a direct result of the bodily injuries and
17 independent of all other causes.

18 (2) This subdivision does not apply if, at the time of the
19 marriage, the member could not have reasonably been expected to
20 live for 12 months, due to a known illness.

